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U.S. Pension Bureau

Information relating to
army and navy pensions

[Washington]

[1917]

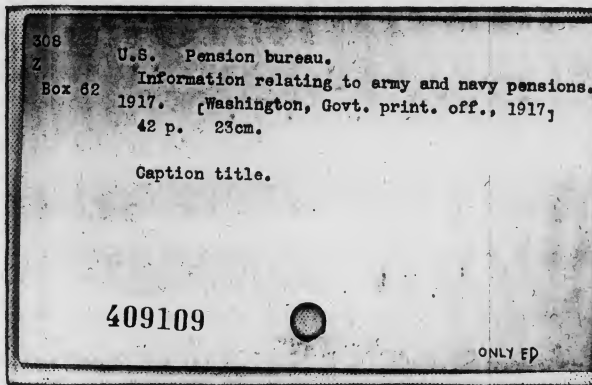
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INFORMATION RELATING TO ARMY AND NAVY PENSIONS.

1917.

ADDRESSES OF PENSIONERS OR CLAIMANTS FOR PENSION.

216. *a.* Pensioners and claimants for pension desiring their mail sent to cities or towns with a population of 5,000 or more having free mail delivery must give their post-office addresses, their street and number, number of post-office box, rural free delivery route, or "general delivery," as the case may be. "General delivery" addresses shall be accepted only in case it be shown that no other address such as above specified is available.

b. Addresses in care of another person shall not be accepted for the transmission of pension certificates or anything of value, or which might be appropriated or wrongfully used by another person, nor shall any communication be mailed to a claimant for pension or increase at a street and number, or post-office box address which is the same as that of the attorney prosecuting the claim.

217. Where it is shown that a pensioner or claimant has resided for a number of years at the address given in his application, or has more recently answered communications addressed to him in which street number, post-office box, or rural free delivery route was not used, it may be assumed that another address is not available.

GUARDIANSHIP.

264. Every guardian, or other person receiving pension in a fiduciary capacity, must biennially file in the bureau a certificate of the court to which such fiduciary is accountable, showing that he has accounted to the court, as required by law, and that the account has been approved or that the requirement for accounting has been waived by the court, if such is the fact. Blank form of certificate shall be furnished each guardian or committee and must be used by him. In case of failure to file such certificate, payment on the voucher with which it is required, and all subsequent payments, shall be withheld pending the receipt thereof.

¹The information contained in this pamphlet consists of excerpts from an office publication not available for general distribution. The numbers of sections correspond with the numbers of sections in that publication, and therefore have no particular significance in this pamphlet; italics in this pamphlet indicate matter that has not heretofore been printed.

INSPECTION OF PAPERS.

284. The examination of papers relating to claims for pension or bounty land, by attorneys, counsel, or agents, shall not extend to reports from the governmental departments and bureaus, confidential communications, or reports of special examiners relating to criminal charges and investigations.

285. *a.* The act of July 18, 1894, which permits the examination and inspection of reports of examining surgeons by the claimant or his attorney, under such reasonable rules and regulations as the Secretary of the Interior may provide, must be complied with in such manner as will afford all proper information to claimants and their attorneys in all pending claims, and at the same time interfere as little as may be with the work of the bureau.

b. No one but the claimant in person and his recognized attorney in the claim, or said attorney's subagent, including the confidential clerk (duly accredited) of each, shall be permitted to examine the reports of examining surgeons filed in the claim, and such examination shall be made subject to the rules of the Pension Bureau in respect to the calling up and examination of cases by attorneys.

c. Said act of Congress does not permit the copying of such reports or any portion thereof. No person shall be permitted to take copies or make memoranda from such reports.

286. No examination of reports of examining surgeons shall be permitted in admitted cases wherein there is no claim pending.

287. No examination of such reports shall be permitted in rejected cases, after the lapse of three months from the date of rejection, until the claim has been regularly reopened according to the practice of the bureau, or unless an appeal from the decision is pending.

288. No one except the clerk in charge will be permitted to examine any certificate of disability for discharge, report of medical survey, or certificate of death in the Navy before the same shall have been applied to a pending claim, except upon the order of the commissioner, deputy commissioner, or chief clerk, or upon the written request of the Chief of the Law Division or the Chief of the Special Examination Division.

RETURN OF PAPERS.

319. Certificates of discharge, marriage certificates, family records, personal letters, diaries, bills and receipts, and other personal papers or articles which may have been filed in claims for pension, may, in the discretion of the commissioner, be returned through the Law Division upon request of the persons entitled thereto, and whenever papers so returned constitute part of the material and essential evidence in a claim, photostats or other copies of the same, or of so

much thereof as may appear to possess evidential value, shall be placed in the case.

DECLARATIONS AND EVIDENCE.

408. The authority given to fourth-class postmasters and rural free delivery carriers to administer oaths to pensioners and their witnesses in the execution of their vouchers does not apply to the execution of any other paper.

416. All declarations and affidavits must be executed before some officer duly authorized to administer oaths for general purposes, in accordance with the provisions of the act of Congress approved July 26, 1892.

417. Blank forms of declarations shall be furnished to claimants upon application therefor. They shall not be furnished to agents or attorneys, but sample forms shall be sent on request.

418. A claimant under any law may prosecute his claim in person, or by attorney under certain laws, and his claim shall receive the same consideration by the Bureau of Pensions if prosecuted in person as if by attorney.

PENSIONS TO SURVIVORS OF WARS PRIOR TO 1861. AND TO THEIR WIDOWS.

419. *War of the Revolution, service pensions.*—(a) Widows of soldiers who served for 14 days or more, or were in battle during the war, were entitled, provided they had not remarried, to \$8 per month from March 9, 1878, and \$12 per month from March 19, 1886. (b) The widow of a Revolutionary soldier who, in his lifetime, was granted a pension, was entitled, under section 4743, Revised Statutes, to pension at the same rate as was paid the husband, notwithstanding remarriage, upon proof of widowhood. (c) There is no law granting pension to the daughters or other descendants of soldiers of the Revolution. Any daughters of Revolutionary soldiers who received pensions were placed on the pension roll by special acts of Congress.

420. *War of 1812, service pensions.*—(a) Under the act of March 9, 1878, soldiers and sailors who served 14 days or more, or were in any engagement, during this war, and were honorably discharged, and the widows of such soldiers and sailors, irrespective of the date of marriage, are entitled to \$8 per month from March 9, 1878. Under the act of March 19, 1886, widow pensioners mentioned in this paragraph are entitled to \$12 per month from that date. (b) There is no law granting service pensions to the descendants of soldiers or sailors of the War of 1812.

Act, September 8, 1916.—Under this act widows are entitled to \$20 per month if 70 years of age.

421. *Indian wars from 1832 to 1842, service pensions.*—(a) The act of July 27, 1892, provides pensions for the surviving officers and

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enlisted men, including marines, militia, and volunteers, who were in the military or naval service of the United States for 30 days in the Black Hawk War, the Creek War, the Cherokee disturbances, or the Florida War with the Seminole Indians, and were honorably discharged; or who were personally named in any resolution of Congress for specific services therein; and for their widows, provided they have not remarried. Claimants under this act must be actual and bona fide residents of the United States at the date of making application. All pensions under this act are fixed at \$8 per month, irrespective of rank, and are payable from July 27, 1892, or, in widows' cases, where the soldier died subsequent to July 27, 1892, from the date of his death. The rate for widows is increased to \$12 by the act of April 19, 1908, and the rate for survivors to \$20 by the act of February 19, 1913.

422. *Indian wars from 1817 to 1858.*—The provisions of the foregoing act of July 27, 1892, were extended by the act of June 27, 1902, from the date of its passage, to the surviving officers and enlisted men, including marines, militia, and volunteers of the military and naval service of the United States who served for 30 days or more and were honorably discharged under the United States military, State, Territorial, or provisional authorities in certain specified Indian wars occurring from 1817 to 1858. This act also made provision for the surviving widows of such officers and men who have not remarried. In establishing these claims a record of pay by the United States is accepted to prove record of enlistment and service.

423. *Indian wars, etc., from 1855 to 1860.*—The provisions of the foregoing act of July 27, 1892, were extended by the act of May 30, 1908, to the surviving officers and enlisted men of the Texas volunteers who served in the defense of the frontier of that State against Mexican marauders and Indian depredations from the year 1855 to the year 1860, inclusive, and to the surviving widows of such officers and men who have not remarried. In establishing these claims, where there is no record of enlistment or muster into the service of the United States, the fact of reimbursement to the State of Texas by the United States, as evidenced by the muster rolls and vouchers on file in the bureau, shall be accepted as full and satisfactory proof of such enlistment and service.

The act of March 4, 1917, in connection with the acts of July 27, 1892, and February 19, 1913, grants pension at the rate of \$20 per month, from the date of its passage, to—

Survivors of the Texas volunteers who served for 30 days in defense of the frontier of that State against Indian depredations from January 1, 1859, to January 1, 1861, inclusive, and from 1866 to 1877, inclusive.

Survivors of the military service of the United States who have reached the age of 62 years and who served for 30 days—

1. In the campaign in southern Oregon and Idaho and in northern California and Nevada from 1865 to 1868, inclusive;

2. In the campaign against the Sioux in Minnesota and the Dakotas in 1862 and 1863, and in Wyoming in 1865 to 1868;

3. In fighting Indians and guarding United States mails on western frontier as members of—

(a) Company A, First Regiment, First Brigade Nebraska Militia, from August 30, 1864, to November 12, 1864.

(b) Company B, First Regiment Nebraska Militia, August 13, 1864, to February 13, 1865.

(c) Company C, First Regiment, Second Brigade Nebraska Militia, from August 24, 1864, to February 7, 1865.

(d) Captain Edward P. Childs's Artillery Detachment, Nebraska Militia, from August 30, 1864, to November 12, 1864.

(e) Company A, First Regiment, Second Brigade, Nebraska Militia, from August 12, 1864, to December 24, 1864.

4. In the campaign against the Cheyennes, Arapahoes, Kiowas, and Comanches in Kansas, Colorado, and Indian Territory from 1867 to 1869, inclusive;

5. In the Modoc War of 1872 and 1873;

6. In the campaign against the Apaches of Arizona and New Mexico or either of them in 1873 and in 1885 and 1886;

7. In the campaign against the Kiowas, Comanches, and Cheyennes in Kansas, Colorado, Texas, Indian Territory, and New Mexico in 1874 and 1875;

8. In the campaign against the Northern Cheyennes and Sioux in 1876 and 1877;

9. In the Nez Perce War of 1877;

10. In the Bannock War of 1878;

11. In the campaign against the Northern Cheyennes in 1878 and 1879;

12. In the campaigns in the Black Hawk War in Utah from 1865 to 1867, inclusive;

13. In the campaign against the Utes in Colorado and Utah from September, 1879, to November, 1880, inclusive; and

14. In the campaign against the Sioux in South Dakota from November, 1890, to January, 1891, inclusive.

This act also grants pension to the widows of those who served as above indicated, if marriage occurred prior to March 4, 1917, provided said widows have not remarried. The rate is \$12 per month, commencing March 4, 1917, or from the date of death of the soldier subsequent to that date.

This act grants pension of \$20 per month also to the survivors of Tyler's Rangers recruited at Black Hawk, Colo., in 1864.

If any of the campaigns named above did not cover a period of 30 days, the provisions of this act apply to those who served during the entire period of said campaign.

A formal declaration for pension under this act must be filed in the Pension Bureau.

An agent or attorney, admitted to practice before the Department of the Interior and its bureaus, may be recognized in the prosecution of a claim filed under this act.

Agreements for fee in excess of \$25 will not be recognized. When no fee agreements are filed a fee of \$10 will be allowed.

Fee agreements in claims under this act made prior to its passage are null and void.

424. Mexican War, service pensions.—(a) Under the act of January 29, 1887, officers and enlisted men who were in the military or naval service of the United States for 60 days in the Mexican War, or on the coasts or frontier thereof, or en route thereto, or who were in a battle and were honorably discharged, or who were personally named in any resolution of Congress for specific services therein, are entitled to pension if 62 years of age; or, if not, upon proof of pensionable disability or dependence, but disability incurred while voluntarily aiding or abetting the late rebellion does not give title to pension. (b) Widows of officers and enlisted men who served as above are entitled to pension upon the same conditions as to age or dependence as apply to officers and enlisted men. (c) Pensions under this act commence on January 29, 1887, if a pensionable condition existed at that date, in survivors' claims, by reason of age, dependence, or disability, and in widows' claims, by reason of age or dependence; if not, then on the date the applicant becomes 62 years of age, or dependent, or disabled within the meaning of the law. (d) The rate of pension to survivors is \$8 per month, irrespective of rank. This rate for survivors was increased by the act of January 5, 1893, to \$12 per month, but its benefits were limited to those who were pensioners on January 5, 1893. To secure this increase the act requires that a pensioner must show that he is wholly disabled for manual labor and in such destitute circumstances that \$8 per month is a sum insufficient to provide him with the necessaries of life. The act of April 23, 1900, removed the limitation imposed in the act of January 5, 1893. The act of March 3, 1903, pensions all survivors of the Mexican War at \$12 per month, irrespective of the conditions named in the act of January 5, 1893, and the act of April 23, 1900. (e) The pension to a widow under this act is \$8 per month, but the act of April 19, 1908, establishes a minimum rate of \$12 per month for all pensions granted to widows. (f) Descendants of deceased Mexican War soldiers are not entitled to service pension.

Act, September 8, 1916.—Under this act widows are entitled to \$20 per month if 70 years of age.

425. Act of February 6, 1907.—Under this act any person who served 60 days in the War with Mexico in the military or naval

service of the United States and has been honorably discharged therefrom, and who has reached the age of 62 years or over, is entitled to a pension at the following rates, irrespective of rank: At 62 years, \$12 per month; at 70 years, \$15 per month; and at 75 years or over, \$20 per month. Pension commences from the date of filing claim in the Bureau of Pensions subsequent to February 6, 1907, after attaining the specified age.

426. Act of May 11, 1912.—This act provides that any person who served 60 days or more in the War with Mexico and has been honorably discharged therefrom shall receive a pension of \$30 per month.

427. Pensions for disability or death due to service prior to March 4, 1861.—(a) Soldiers who were wounded or injured, or who contracted disease in the line of duty, are entitled to pension corresponding in rate to the degree of the disability incurred in the service. Persons who rendered naval service are entitled to a like pension, under the same conditions, excepting that no pension may be granted to an engineer, fireman, or coal heaver for disability incurred prior to August 31, 1842. (b) The widows, or children under 16 years of age, of soldiers who served prior to March 4, 1861, are entitled to pension, if the soldier's death was due to causes originating in time of actual war, and not otherwise. Widows, or children under 16, of sailors who served prior to March 4, 1861, are entitled to pension only when the death of the sailor occurred in the service and in the line of duty. (c) Pensions mentioned in this paragraph, if not applied for within three years from the discharge or death of the person on whose account the right to pension exists, or within three years of the termination of a pension previously granted on account of the service and death of such person, commence from the date of filing by the person prosecuting the claim of the last paper necessary to establish the same. (d) The rate of pension allowed to one whose pensionable rights accrued prior to March 4, 1861, is subject to variation, after July 25, 1866, in accordance with the laws passed since March 4, 1861. (e) There is no provision of law granting pensions to the parents, brothers, or sisters of persons who rendered military or naval service prior to March 4, 1861.

PENSIONS TO INVALIDS SINCE MARCH 4, 1861.

Section 4692, Revised Statutes, and acts supplementary thereto (General laws): Any officer or enlisted man of the Army, Navy, or Marine Corps, including regulars, volunteers, and militia, however employed, in the military or naval service of the United States, or its Marine Corps, since March 4, 1861, whether regularly mustered or not, disabled by reason of any wound or injury received, or disease contracted, while in the service and in line of duty, shall upon making due proof of the fact according to such forms and regulations as may be provided in pursuance of law, be entitled to receive a pension as provided in such cases.

428. *Sections 4692 and 4693, Revised Statutes.*—The declarations should set forth the company and regiment in which the applicant served, the name of the commanding officer of the company or organization, and the dates of enlistment and discharge, with personal description at enlistment. In Navy cases, the vessels on which claimant served should be stated. If the claim is made on account of a wound or injury, the declaration should set forth the nature and locality of the wound or injury, the time when, the place where, and the circumstances under which it was received, and the duty upon which the applicant was engaged.

If the wound or injury was accidental, the applicant should state whether it happened through his own agency, or that of other persons, and he should detail minutely the circumstances under which it was received.

If the claim is made on account of disability from disease, the applicant should state in said declaration when the disease first appeared, the place where he was when it appeared, and the duty upon which he was engaged at the time. He should also detail the circumstances of exposure, and the causes which, in his opinion, produced the disease. Whether the application be made on account of disability from wound, injury, or disease, the claimant should state the names, addresses, and localities of all hospitals in which he received medical or surgical treatment, giving the dates of his admission thereto, as correctly as he may be able.

429. The applicant should state in the declaration each and every permanent disability which he claims he contracted in the service in line of duty, and should also state definitely that the disabilities named are the only disabilities so contracted. If such statement be not embodied in the declaration, the applicant shall be required to make it in a supplemental affidavit; and this requirement shall apply to claims heretofore made and now pending.

The applicant should state his post-office address, including street and number, or rural free delivery route, if any.

430. In declarations for original invalid pensions under sections 4692 and 4693, Revised Statutes, the signature of the applicant should be witnessed by the signatures of two competent, credible witnesses, who should appear with him before the officer whose jurat is attached to the declaration.

REVENUE CUTTERS.

The officers and seamen of the revenue cutters who have been disabled in the discharge of their duty while cooperating with the Navy by order of the President are entitled to receive a pension under the same regulations and restrictions as are provided by law for the officers and seamen of the Navy.

COAST GUARD.

No pension can be allowed or paid to any commissioned officer, warrant officer, or enlisted man in the Coast Guard either on the active or retired list.

MEDICAL RESERVE CORPS.

Officers of the Medical Reserve Corps are entitled to pension for physical disability incurred in line of duty while in active duty.

ORGANIZED MILITIA.

Any officer, noncommissioned officer, or private of the military State militia called out by the President to repel an invasion, suppress rebellion, or to enable him to execute the law, disabled by reason of wounds or disabilities incurred in the service of the United States is entitled to the benefits of the pension laws existing at the time of his service.

NAVAL MILITIA.

Any officer, petty officer, or enlisted man of the Naval Militia of any State called into the service of the United States by order of the President disabled by reason of wounds or disabilities received in the naval service of the United States in time of war is entitled to all the benefits of the pension laws existing at the time of his service.

NAVAL RESERVE.

Members of the Naval Reserve when not actively employed with the Navy are not entitled to pension for disability contracted during such period.

NATIONAL GUARD.

Any officer or enlisted man of the National Guard drafted into the service of the United States in time of war disabled by reason of wounds or disability received or incurred while in the active service of the United States in time of war is entitled to all the benefits of the pension laws existing at the time of this service.

CONFEDERATE SERVICE.

There is no existing United States law under which pension can be granted on account of service rendered in the Confederate States Army or Navy.

Some of the States have enacted legislation providing pensions for Confederate soldiers and sailors and their widows and orphans who reside in such States. Information concerning same must be obtained from the Adjutant General of such State.

MEDAL OF HONOR.

Application to have name entered on the Army or Navy medal of honor roll under the act of April 29, 1916, should be made to the War or Navy Department, according to the character of service. Upon proper certification by the Secretary of War or the Secretary of the Navy to the

Commissioner of Pensions that the applicant's name has been entered on the medal of honor roll, an additional pension of \$10 per month is granted to the person whose name is so certified.

EVIDENCE REQUIRED IN A CLAIM FOR INVALID PENSION.

431. After the receipt of an application for pension a call shall be made, in Army cases, upon The Adjutant General for the full military and medical history of the applicant, as shown by the records of the War Department. In Navy cases, calls for such evidence shall be made upon the proper bureaus of the Navy Department.

432. Since the consolidation of the records on file in the War Department in February, 1889, it is often practicable to obtain additional information relating to a soldier's service and hospital treatment, and when the report heretofore furnished by the War Department was made prior to said consolidation of the records another call should be made on the War Department for a military and medical history of the soldier, returning the reports now on file.

433. When the records of the War or Navy Department do not furnish satisfactory evidence that the disability on account of which the claim is made originated in the service of the United States, and in the line of duty, the claimant shall be required to furnish such evidence in accordance with the instructions hereinafter given, and compliance with such requirement must be full and definite.

434. "*Line of duty*" is a technical phrase, which is defined in the administration of the pension laws as that relation which a soldier or sailor sustains to the military or naval service of the United States when performing an act connected with any of the possible conditions or requirements of the service, or in the observance of the proper orders of his superiors, not in violation of the Army or Navy regulations.

435. If the disability resulted from a wound or injury, the nature and location of the wound or injury, the time when, the place where, and the manner in which it was received, whether in battle or otherwise, should be shown by the evidence of some one who was a commissioned officer and had personal knowledge of the facts.

436. If the person called upon to give evidence is still in the service as a commissioned officer, his certificate shall be accepted in lieu of his affidavit. If there is no record of the disability claimed, the applicant shall be called upon to furnish the testimony of the surgeon by whom he was treated, showing the location and nature of the wound or injury and the circumstances under which it was received.

437. If the disability arose from disease, the testimony of the medical officer who treated the applicant in service should be furnished, if possible, showing the name and nature of the disease, the time when, the place where it was contracted, and the circumstances of exposure

to the causes which, in his opinion, produced the same; and he should state whether, in his opinion, the habits of the applicant were contributory to the origin or development of the disease.

438. In any claim; whether based on wound, injury, or disease, if it be shown that the testimony of a surgeon, assistant surgeon, or other commissioned officer can not be produced as evidence of the origin of the disability alleged, the testimony of other persons having personal knowledge of the facts shall be considered.

439. In a claim on account of disability from disease the applicant must furnish the testimony of each physician who has attended him since the date of discharge, explicitly setting forth the history of the disease and the disability since its first appearance. It is especially important that the physician who first attended the applicant after his discharge state the date at which the attendance commenced. If it should not be possible for the applicant to show the condition of his health during the whole period since the date of his discharge by the testimony of physicians, the cause of his inability to do so should be stated by him, under oath. The testimony of other persons on this point may then be presented. Statements of witnesses in regard to the manner in which the applicant was affected should be full and definite and should show how such witnesses obtained a knowledge of the facts to which they testify.

440. The act of March 3, 1885, provides that all applicants for pensions shall be presumed to have had no disability at the time of enlistment; but such presumption may be rebutted. It has been held that after six months' continuous service immediately following enlistment uninterrupted by the incurrence of any pensionable disability, diseases contracted thereafter shall be accepted as due to the service upon record evidence alone. If there is a record of the alleged disease soon after the soldier's enlistment, and the evidence raises a doubt as to its origin in the service, the questions of prior soundness and origin should be determined by special examination, but all the surroundings of the case should be carefully considered before this course is taken.

441. Injuries are not accepted as established merely on a record of treatment for same in service, for the reason that they may or may not have been received in line of duty. There is no class of claims which should be more carefully guarded than those for injuries, and the evidence produced to show origin thereof in service and line of duty should always be based upon actual personal knowledge of the nature and extent of the injury, as well as the circumstances under which such injury was received, in order that the bureau may be able to determine the question of origin in the line of duty.

442. *Act of June 27, 1890, as amended by act of May 9, 1900.*—Any officer, soldier, sailor, or marine who served 90 days or more in the military or naval service of the United States during the late War

of the Rebellion, who has been honorably discharged therefrom, and who is suffering from disability of a permanent character, not the result of his own vicious habits, which incapacitates him from the performance of manual labor in such a degree as to render him unable to earn a support, is entitled to a pension under this act of not less than \$6 nor more than \$12 per month.

443. The act of May 9, 1900, amending the act of June 27, 1890, provides that, in determining inability to earn a support, each and every infirmity shall be considered, and the aggregate of the disabilities shown be rated. These acts require an honorable discharge from each and every term of service rendered during the War of the Rebellion. A modification of this requirement has resulted, by reason of the provisions of section 2 of the joint resolution of July 1, 1902, as amended by the joint resolution of June 28, 1906. As the law now stands the honorable discharge of any soldier or sailor from any subsequent contract of service entered into by him during the late War of the Rebellion is regarded as an honorable discharge from all previous contracts of service previously entered into by him with the United States during the said war, if the service under such subsequent contract was for not less than six months, and was faithful, and if he had not received by reason of the subsequent service any bounty or gratuity other than from the United States in excess of that to which he would have been entitled if he had continued to serve faithfully until honorably discharged under any contract of service previously entered into by him during the War of the Rebellion. The limitation of section 4716, Revised Statutes, operated against claimants under these acts until July 1, 1902, the date of the passage of the joint resolution above referred to, the first section of which removed the limitation as to disloyalty, except as to those who enlisted in the Army or Navy of the United States after January 1, 1865.

Section 4716 was repealed by the last paragraph of section 1 of the act of August 29, 1916, but the repeal does not have a retroactive operation, and to entitle one to the benefit created by such repeal a new application must be made.

444. *Acts of February 6, 1907, and March 4, 1907.*—By the terms of these acts any person who served 90 days or more in the military or naval service of the United States during the late Civil War, and who has been honorably discharged therefrom, is entitled to a pension at the following rates, irrespective of rank: At 62 years of age, \$12 per month; 70 years of age, \$15 per month; 75 years or over, \$20 per month. Pension commences from the date of filing claim in the Bureau of Pensions, subsequent to February 6, 1907, after attaining the specified age.

The bases of title under these acts, except as herein otherwise stated, are the same as under the act of June 27, 1890, as amended by the act of May 9, 1900.

445. *Act of May 11, 1912.*—By the terms of this act any person who served 90 days or more in the military or naval service of the United States during the late Civil War, and who has been honorably discharged therefrom, is entitled to a pension at various rates, irrespective of rank, based upon age and length of service, as follows:

Age.	90 days.	6 months.	1 year.	1½ years.	2 years.	2½ years.	3 years.
62	\$13	\$13.50	\$14	\$14.50	\$15	\$15.50	\$16
66	15	15.50	16	16.50	17	18.00	19
70	18	19.00	20	21.50	23	24.00	25
75	21	22.50	24	27.00	30	30.00	30

446. If a soldier was wounded in battle or in line of duty and received an honorable discharge, and is now unfit for manual labor by reason thereof; or, from disease or other causes incurred in line of duty, resulting in his disability, is now unable to perform manual labor, he shall be paid the maximum pension under this act without regard to length of service or age.

447. Pensions under act of May 11, 1912, commence from the date of filing of the applications in the Bureau of Pensions.

448. *Act of March 4, 1913.*—Under the terms of this act, increase of pension under the act of May 11, 1912, on account of advancing age shall be made without further application by pensioner, and shall take effect and commence from the date he is shown to have attained the age provided by this act as the basis of rating.

In considering claims under this act, an examiner is not prevented from making such further investigation as to date of birth as is deemed necessary in order to establish a record upon which further increases of rate on account of advancing age may be possible, the object being to advance automatically the rate of pension.

449. *Claims for increase of invalid pensions.*—A pensioner who may deem himself entitled to an increase of pension should file a declaration setting forth the grounds upon which he bases his claim. Upon the receipt of such claim the same shall be taken up to determine the propriety of ordering a medical examination.

450. *Claims for restoration and renewal of pension.*—In cases of unclaimed pensions (sec. 4719, R. S.) there must be filed evidence specifically accounting for the failure to claim the pension, and, in the case of invalids, medical evidence showing the continuance of the disability on account of which pension was allowed.

Application for renewal of pension must be made by a declaration executed as in original claims, setting forth that the cause for which pension was granted still continues.

NAVY SERVICE ALLOWANCES.

451. Under sections 4756 and 4757, Revised Statutes, pensions for 20 years' service and for 10 years' service, respectively, are

allowed by the Secretary of the Navy to enlisted men and appointed petty officers who have not been discharged for misconduct. Pension commences from the date of filing the claim therefor in the Navy Department; and for 20 years' service amounts to one-half the monthly pay of the applicant's rating at his discharge; for 10 years' service the pension can not exceed the rate for total disability or one-fourth of the rate of pension he is receiving for disability, and is fixed, as is also its duration, by the Navy Department. An application for pension under the sections referred to should be made to the Secretary of the Navy.

PENSIONS TO WIDOWS SINCE MARCH 4, 1861.

452. *Sections 4702 and 4703, Revised Statutes.*—To obtain pension under these sections it must be shown that the soldier or sailor died of a disability contracted in the service and in the line of duty. The date, place, and cause of death of the soldier or sailor through whom the pension is claimed should be shown by a verified transcript of the public record. When the public record is indefinite as to the cause of death, and when it is necessary to show the pathological connection between the death cause as shown in the record and the disability as proven of service origin, the testimony of the attending physician should be filed, giving a full history of the soldier's fatal illness and the mode and manner of death; but when this is impossible the testimony of other persons who are acquainted with the circumstances may be furnished.

453. *Proof of marriage.*—The marriage of the applicant to the person on account of whose service and death the claim is made should be shown by the best obtainable evidence in the following order:

- (1) By a duly verified copy of a public or church record; or
- (2) By the affidavit of the clergyman or magistrate who officiated; or
- (3) By the testimony of two or more eyewitnesses to the ceremony; or
- (4) By the testimony of two or more witnesses who know that the parties lived together as husband and wife and were recognized as such, and who shall state how long, within their knowledge, such cohabitation continued; or
- (5) By a duly verified copy of the church record of baptism of the children.

The highest evidence obtainable in the order of preference above stated shall be required. Inability to furnish the higher kind of evidence must be clearly shown before the next lower kind is admissible.

454. Section 2, of the act of August 7, 1882, provides:

That marriages, except such as are mentioned in section 4705, of the Revised Statutes, shall be proven in pension cases to be legal marriages according to the law of the place where the parties resided at the time of marriage or at the time when the right to pension accrued.

455. Section 4705, Revised Statutes, provides that in the claims of the widows and children of colored and Indian soldiers and sailors based on death due to disabilities incurred in service in line of duty there need be no other evidence of marriage than satisfactory proof that the parties were joined in marriage by some ceremony deemed by them obligatory, or habitually recognized each other as husband and wife, and were so recognized by their neighbors, and lived together as such up to the date of enlistment, when such soldier or sailor died in the service, or, if otherwise, to the date of his death. This section shall not apply to claims on account of persons who enlisted after March 3, 1873.

456. If either applicant or soldier has been previously married, the death or divorce of all former consorts should be proven, in the case of death preferably by verified copy of the public or church record or by the testimony of credible witnesses, and in the case of divorce by certified copy of the decree of court. If there was no prior marriage on the part of the applicant or the soldier, this fact should be shown by the testimony of at least two credible witnesses who have known the applicant and the soldier from the time they became of marriageable age.

457. In the claim of a widow, competent testimony should be produced showing whether she and the soldier were ever divorced, and whether they lived together as husband and wife up to the date of the soldier's death. If for any reason they were not living together at the time of his death, but their separation was by mutual agreement or otherwise and not by legal divorce, all the facts relating to such separation should be fully produced in order that her rights may be fully and clearly determined.

458. Under the act of March 3, 1899, a widow who did not marry the soldier prior to the date of the act, or prior to or during his service, has no title to widow's pension unless it be shown that she lived and cohabited with him continuously from the date of marriage to the date of his death, or, in case of separation, that such separation was through no fault of hers. The widows of Spanish War soldiers are excepted from the operation of this act.

459. *Proof of dates of birth of children.*—The dates of birth of children should be proved by the best obtainable evidence in the following order:

- (1) By a duly verified copy of the public record of births, or the church record of baptism; or
- (2) By the affidavit of the physician who attended the mother; or
- (3) By the testimony of persons who were present at the births, who should state how they are now able to fix the precise dates.
- (4) Where the evidence called for in the preceding paragraphs can not be obtained, the best obtainable evidence should be furnished

in order to enable the bureau to approximate the dates of birth. It is worthy of note that the records of the Census Bureau not infrequently afford information on this point.

Inability to furnish the higher kind of evidence must be clearly shown before the next lower kind is admissible.

If any child of the person on whose account the claim is made died after the date at which the widow's pension would commence, the date of death must be shown.

460. Children born before the marriage of their parents, if acknowledged by the father before or after marriage, shall be deemed legitimate.

461. The additional pension granted to the widow on account of the minor children of the soldier by a former wife can be paid her only for such period of her widowhood as she has been or shall be charged with the maintenance of such children.

462. *Act of June 27, 1890, as amended by act of May 9, 1900.*—Pensions under these acts are granted to widows upon proof—

(1) That the soldier or sailor served at least 90 days during the War of the Rebellion.

(2) That he was honorably discharged.

(3) That he is dead, but his death need not have been the result of his Army or Navy service. Under the act of March 13, 1896, his death may be presumed after seven years unexplained absence.

(4) That the widow is without means of support other than her daily labor and such actual net income as is provided by the act of May 9, 1900.

(5) That she married the soldier or sailor prior to June 27, 1890.

463. *Act of April 19, 1908.*—Pensions under this act are granted to widows upon proof—

(1) That the soldier or sailor served at least 90 days during the Civil War.

(2) That he was honorably discharged.

(3) That he is dead, but his death need not have been the result of his Army or Navy service. Under the act of March 13, 1896, his death may be presumed after seven years of unexplained absence.

(4) That she was married to the soldier or sailor prior to June 27, 1890.

Act of September 8, 1916, extends the benefits of the above provisions to a widow who was married to the soldier or sailor prior to June 27, 1905.

464. In widows' claims under the act of June 27, 1890, as amended, or under the act of April 19, 1908, the provisions of the joint resolution of July 1, 1902, and amendments, apply the same as in invalid claims.

REMARIED WIDOWS.

Act of September 8, 1916, second proviso in section 2, allows a pension (a) to widows, otherwise entitled, whose husbands died of wounds,

injuries, or disease incurred during the period of their military or naval service, but who were deprived of pension under the act of March 3, 1865, by reason of their remarriage, and (b) to any person who was lawfully married to an officer or enlisted man, who served in the Army, Navy, or Marine Corps of the United States during the Civil War and was honorably discharged therefrom and has since deceased, and who, having remarried since his death is again a widow, or has been divorced from her husband upon her own application without fault on her part and who, otherwise entitled, was barred by reason of such remarriage from receiving pension under existing law.

PENSIONS TO MINORS SINCE MARCH 4, 1861.

465. *Sections 4702 and 4703, Revised Statutes.*—To obtain title to pension under these sections it must be shown that the father of the minor children died of a disability contracted in the service and in the line of duty; and, in addition, proof must be furnished as follows:

(1) The cause and date of the father's death, the marriage of the parents, and the dates of birth of the children must be established as in widows' claims. When, however, satisfactory proof upon these points has been furnished in the claim of the widow, it will not again be required in the claim on behalf of the minors.

(2) If the mother of the children is dead, the date of her death must be proved. If she remarried, her remarriage must be shown in the same manner that her marriage to the father of the children is required to be established. If the claim is based on the fact that the widow has abandoned the care of the children, or that she is an unsuitable person, by reason of immoral conduct, to have the custody of them, and such fact be duly certified under seal, by any court having probate jurisdiction, or be shown by satisfactory evidence, the children are given a pensionable status by section 4706, Revised Statutes, to the exclusion of the widow, until they severally attain the age of 16 years, to commence from the date of last payment to the widow, if she be a pensioner, and if not, from the date on which her pensionable rights accrued.

(3) If the mother of the children died before the father, it must be shown whether he again married.

(4) It must be shown whether the father left any other pensionable child than the minors for whose benefit the claim is made, and, if so, why such child was not mentioned in the application. In minors' claims pension can not be allowed on account of a child who died prior to the allowance of the claim.

Act of September 8, 1916, extends the rights of the widow to June 27, 1905.

466. *Act of June 27, 1890, as amended by act of May 9, 1900.*—Minor children have title under these acts upon the death or remar-

riage of the widow of the soldier or sailor. Where, however, the widow was not married to the soldier or sailor prior to June 27, 1890, and his death cause did not originate in the service and in the line of duty; or where she has forfeited her title to pension by open and notorious adulterous cohabitation, or has been suspended under the provisions of section 4706, Revised Statutes, the minor takes title, even though the widow be alive and unmarried.

467. A minor's claim for pension may be made and prosecuted by the minor himself or by a next friend or guardian, but if the claim is allowed before his majority the payment of pension shall be made only to a duly appointed guardian.

PENSIONS TO HELPLESS CHILDREN.

468. The first proviso of the third section of the act of June 27, 1890, as amended by the act of May 9, 1900, continues the pension of a minor child who is insane, idiotic, or otherwise physically or mentally helpless, after it becomes 16 years of age, during the life of said child, or during the period of such disability. The benefits of this proviso are extended to all pensions granted before June 27, 1890, or thereafter granted, under any statute. The pension allowed by the proviso commences from the date of the filing of the application therefor in the Bureau of Pensions. In order to obtain title, the helplessness of the child must have originated prior to attaining the age of 16 years, and have continued thereafter.

469. No helpless child of the soldier over 16 years of age at the date of death of the soldier has title to pension under these acts.

PENSIONS TO DEPENDENT RELATIVES.

470. *Section 4707, Revised Statutes.*—To obtain title to pension under this statute, it must be shown that the soldier or sailor died of a disability contracted in the service and in line of duty.

471. *Dependent mothers.*—In a mother's claim, her relationship to the soldier or sailor, the date and cause of the son's death, whether he left a widow or minor children surviving, and her dependence on him for support at the time of his death, must be shown.

472. In proof of dependence, it must be shown that previous to the date of the said son's decease her husband had died, or that he had permanently abandoned her, or that, on account of disability from injury or disease, he was unable to support her.

473. If the husband is dead, the date of his death must be proved. If he abandoned the support of his family, the date of the abandonment, and all the facts of the case, showing whether he ever returned, or ever afterwards contributed to the support of the claimant, must be fully set forth. If any person who is legally bound to contribute to the support of the mother claimant neglect or fail to do so,

and the State or local laws afford a remedy, it should be shown whether the claimant has invoked the aid of such laws to compel support. If the father was disabled, the nature and cause of the disability, when, and to what extent, it rendered him unable to support the claimant, must be shown by the testimony of his physician. The extent of his disability during the period from the son's death to the present time should also be shown.

474. The value of the property of the claimant and her husband, the income derived therefrom, and the other means of support possessed by her while she was receiving the contributions of the son on account of whose service and death pension is claimed, and from that time to the present, should be shown by the testimony of credible and disinterested witnesses, who must state how they know the facts. The value of property assessed for taxation may be shown by the testimony of the officer having custody of the records relative thereto, who should also state the ratio of the assessed to the actual or cash value of such property.

475. It must be shown to what extent, for what period, and in what manner, her said son contributed to her support, by the testimony of persons for whom the son labored, to whom he paid rent, of whom he purchased groceries, fuel, clothing, or other necessary articles for the mother's use, or of those who otherwise had a knowledge of the contributions of the son, and who must state how they obtained such knowledge. Any letter from the son, bearing upon the question of support, should be filed. If the son, in any other manner than by actual contributions, acknowledged his obligation to support his mother, or was, by law, bound to such support, the facts should be shown.

476. *Dependent fathers.*—In a father's claim for pension on account of the death of a legitimate son upon whom he was dependent for support, there must be proven—

(1) The cause of his son's death;

That said son left no widow or minor child surviving;

The cause and extent of claimant's disability during the period in which the son contributed to his support, and from that time to the present;

The amount of his property, and all other means of support possessed by him during that period, and the extent of his dependence upon his son for support.

The facts of the case, in each respect, should be shown by such testimony as is required in the claim of a mother.

(2) The date of the claimant's marriage to the mother of the soldier or sailor, the date of birth of the son, and the date of the death of said mother, must be proved.

In case the mother applied for pension, reference should be made to her application, and the number of the same, or of her certificate, should be given. Evidence upon any fact established in a mother's claim shall not again be required.

477. *Minor brothers and sisters.*—In a claim on behalf of minor brothers and sisters there must be proved—

The cause and date of death of the brother on whose account the claim is made;

His celibacy;

The dates of death of the mother and father, or death of the father and remarriage of the mother;

The dates of birth of the claimant and other dependents upon the brother for support.

If the mother or father applied for pension, the number of his or her application, or of his or her certificate, should be given.

Evidence upon any fact established in the claim of the mother or the father will not again be required.

In the administration of the pension laws no distinction is made between brothers and sisters of the half blood and those of the whole blood.

478. A minor brother or sister's claim for pension may be made and prosecuted by the minor or by next friend or guardian, but if the claim is allowed before his majority the payment of pension shall be made only to a duly appointed guardian.

479. *Act of June 27, 1890 (construed as amending sec. 4707, R. S., as to dependent parents).*—The same evidence is required in claims under this act as under section 4707, Revised Statutes, in its original form, except as to contributions by the soldier or sailor, and as to date of dependence, which is changed from the date of the soldier's or sailor's death to the date of the filing of the application for pension under this law.

480. The rate of pension under section 4707, Revised Statutes, in its original form, and under section 1 of the act of June 27, 1890, is governed by the rank of the soldier or sailor on account of whose service and death pension may be claimed.

CLAIMS FOR RESTORATION AND RENEWAL.

482. Application for restoration of pension (sec. 4719, R. S.) must be submitted by a declaration executed as in an original claim, setting forth fully the reasons for failure to draw pension, accompanied by evidence satisfactorily accounting for such failure.

483. The act of March 3, 1901, amending section 4708, Revised Statutes, provides for renewal of pension to certain remarried widows

on renewed widowhood. The applicant under these acts must show that she was the wife of the officer, soldier, or sailor during the period of his service in a war; that she was pensioned as his widow by reason of his death being due to disability of service origin in such war; that her name was dropped from the roll by reason of her remarriage to another person who has since died or from whom she has been divorced upon her application, and without fault on her part; and that she is without means of support other than her daily labor and a net income not exceeding \$250 per annum. The fact that the widow was originally barred from pension by the terms of the act of March 3, 1865, by reason of her remarriage, does not deprive her of title to pension under the amendatory act of February 28, 1903.

Act of September 8, 1916, section 2, provides that any widow of an officer or enlisted man who served in the Army, Navy, or Marine Corps of the United States during the Civil War, whose name had been placed or should thereafter be placed on the pension roll, under any existing law, and whose name has been or should thereafter be dropped from said pension roll by reason of her marriage to another person who has since died or should thereafter die, or from whom she had theretofore or should thereafter be divorced upon her own application and without fault on her part, shall be entitled to have her name again placed on the pension roll at the rate allowed by the law under which she was formerly pensioned, and the law or laws amendatory thereof, unless she be entitled to a greater rate of pension under the provisions of section 1 of said act, such pension to commence from the date of filing her application in the Bureau of Pensions after the passage of said act.

Where the pension of said widow on her second or subsequent marriage has accrued to a helpless or idiotic child, or a child under the age of 16 years, she shall not be entitled to renewal under said act unless said helpless or idiotic child, or child under 16 years of age, be then a member of her family and cared for by her. Upon the renewal of pension to said widow payment of pension to said child shall cease.

There is no existing law under which the divorced wife of a soldier or sailor can be pensioned as his widow. It matters not whether she or he procured the divorce.

There is no existing law under which a remarried widow of a soldier or sailor can be pensioned over any period of time she was, or is, the lawful wife of another man.

There is no existing law under which a remarried widow of a soldier or sailor can be pensioned if her remarriage, after the death of the soldier or sailor, was terminated by the husband securing a divorce from her.

PENSIONS TO ARMY NURSES.

484. *Act of August 5, 1892.*—By this act all women employed by the Surgeon General of the Army as nurses during the late War of the Rebellion, for a period of six months or more, and who were honorably relieved from such service, are entitled to a pension, provided they are unable to earn a support.

DROPPING, RECOVERY, SUSPENSION, AND RECOUPMENT.

485. Under the provisions of the act of December 21, 1893, any pension heretofore or that may be hereafter granted to any applicant under any law of the United States, shall be deemed to be a vested right in the grantee to that extent that payment thereof shall not be withheld or suspended until, after due notice to the grantee of not less than 30 days, the commissioner, after hearing all the evidence, shall decide to annul, vacate, modify, and set aside the decision upon which such pension was granted.

486. Such notice to grantee must contain a full and true statement of any charges or allegations upon which such decision granting such pension shall be sought to be in any manner disturbed or modified.

487. All cases in which these questions arise are to be determined by the Board of Review or by the medical referee, as the case may be, and where dropping, reduction, or recoupment is proposed, the evidence furnished tending to show absence of title or that the rate of pension now pending is excessive should be brought to the personal attention of the commissioner.

488. Pension paid in consequence of fraud on the part of the pensioner or of a mistake of fact in the adjudication of the claim may be recovered by withholding accruing pension.

CLAIMS FOR SHARE OF PENSION PAID TO INMATES OF THE GOVERNMENT HOSPITAL FOR THE INSANE.

489. *Act of February 2, 1909.*—By the terms of this act, the pension accruing to an inmate of the Government Hospital for the Insane must be paid to the superintendent or disbursing agent of such hospital, and the money so paid shall be disbursed and used, under the regulations prescribed by the Secretary of the Interior, for the benefit of the pensioner, and in the case of a male pensioner, his wife, minor children, and dependent parents, or, if a female pensioner, her minor children, if any, in the order named. All questions affecting the right of a claimant to a share of the pension of an inmate of the hospital are determined upon evidence submitted to the Commissioner of Pensions, in accordance with the practice obtaining in such cases. The findings of the Commissioner of Pensions upon the evidence are submitted to the Secretary of the Interior for approval, and, upon the latter's direction, the disbursing officers of said hospital shall

make proper distribution of the pension money to the dependents enumerated in said act.

490. Applications to the Commissioner of Pensions for allotment of a share of the pension in cases under the act of February 2, 1909, should be made under oath, and the applicant should state the relationship to the insane person, the certificate number of such person, if known, the aggregate value of all property owned by the applicant, as well as the sources of income and means of support of said applicant. All allegations should be sustained by the testimony of persons competent to testify from personal knowledge of the facts, and the witnesses should state their ages, means of knowledge of the facts to which they testify, and their post-office addresses, giving the street and number, or rural free-delivery route, if any. In case the application is made by the wife, she should furnish evidence of marriage in the manner and order provided for in sec. 453. If either applicant or pensioner had been previously married, the death or divorce of the former consort should be proved; in case of death, preferably by verified copy of the public or church record, or by the testimony of credible witnesses; and, in case of divorce, by a certified copy of the decree of the court. If there was no prior marriage on the part of the applicant or the pensioner, this fact should be shown by the testimony of at least two credible witnesses who have known the applicant and the pensioner from the time they became of marriageable age.

491. In the cases of minor children or dependent parents, the relationship of the applicants to the pensioner must be satisfactorily shown.

492. The application and the evidence necessary to establish the claim should be filed at the same time.

CLAIMS FOR PAYMENT OF PENSION TO WIVES OF INSANE PENSIONERS, OR TO WIVES OF PENSIONERS UNDERGOING SENTENCE OF IMPRISONMENT.

493. *Act of August 8, 1882.*—Where an insane invalid pensioner has no guardian, and has a wife or children dependent upon him, the wife being a woman of good character, the Commissioner of Pensions is authorized, in his discretion, to cause the pension to be paid to the wife, upon her properly executed voucher, or, if there is no wife, to the guardian of the children, upon his properly executed voucher, and, in like manner, to make payment of the pension due invalid pensioners who are imprisoned for offenses against the law, to their wives, or the guardians of their children.

Under this statute evidence showing the pensioner's insanity or imprisonment, and, in the case of a wife, her good character, as well as the proof required in claims under the act of February 2, 1909, above, must be furnished.

ACCRUED AND REIMBURSEMENT CLAIMS.

494. *Act of March 2, 1895.*—An accrued pension is payable, under the terms of this act, whether the certificate issues prior or subsequent to the death of the soldier entitled to the pension, first, to his widow, second, if there is no widow, to his child or children under 16 years of age, third, in case of a widow, to her minor children by the soldier who were under 16 years of age at the date of her death. No other person is entitled to receive the accrued pension, as a matter of right, nor is it considered a part of the assets of the estate of the deceased pensioner. It is not liable for the debts of the estate, in any case whatsoever, but inures to the sole and exclusive benefit of the widow or children. The proof necessary to establish a claim for accrued pension is identical with that required to establish the claim of a widow or minor child to original pension, in so far as the relationship of the claimant for the accrued pension to the pensioner is concerned.

495. A claim for reimbursement may be made by the person who bore the expenses of the last sickness and burial of any pensioner who died, leaving no widow, or child under 16 years of age, surviving, provided the pensioner did not leave sufficient assets to meet such expenses. An application for reimbursement should be accompanied by the following evidence:

Bills of all expenses of last sickness and burial.—If paid by the claimant for reimbursement the bills must be properly receipted to said claimant. If unpaid, the parties to whom said bills are due should note on each bill, over their signatures, that they hold the claimant responsible for the payment. If the bill be for medical treatment it must show the dates of visits or treatment and the charge for each. A bill for nursing and care must show the dates between which the services were rendered, and the rate per day or week. The bill of the undertaker must be itemized, and show the date on which the services were rendered.

Each bill must show that the service was rendered for the pensioner on account of whom reimbursement is claimed.

All claims should be presented in the name of one person.

Bills which are forwarded become a part of the records of the Bureau of Pensions, and can not be returned. Claimants should therefore secure duplicates of such bills if needed by them.

If the pension certificate which was issued in the name of the pensioner is not in possession of the claimant a statement showing its whereabouts or final disposition should be made.

496. In claims for accrued pension or for reimbursement under the act of March 2, 1895, a formal declaration is not necessary. All that is required in these cases is that the applicant shall be properly

identified by the evidence as the person entitled to the accrued pension or reimbursement.

497. The mailing of a pension check in payment of pension due, issued on voucher, constitutes payment in the event of the death of the pensioner subsequent to the execution of the voucher therefor.

498. *a.* In nonvoucher cases the proper delivery of a pension check during the lifetime of the pensioner constitutes payment in the event of the death of the pensioner prior to indorsement thereof. In such cases the checks become a part of the assets of the estate of the deceased pensioner.

b. All inquiries relative to the payment of such checks should be addressed to the Auditor for the Interior Department, Treasury Department.

WITNESSES AND TESTIMONY.

499. A declaration executed before an officer who is claimant's attorney is accepted by the Bureau of Pensions as good and valid, but under the practice such magisterial act vacates any rights which may be conferred on him in the power of attorney therein embodied.

500. Evidence executed before an officer who is claimant's attorney or before any person who has a manifest interest therein shall not be considered. It is held by the Secretary of the Interior, however, that evidence so executed, wherein the certificate of such officer contains a clause setting forth that "he is in nowise interested in the claim nor concerned in its prosecution" is good and valid, but the rights such officer may have had as attorney in the case are thereby abandoned. All certificates of executing officers should certify that they have no interest in the claim.

501. Every fact required to be proved should be shown by the best evidence obtainable. Every witness should state whether he has any interest, direct or indirect, in the prosecution of the claim in which he may testify; whether he is related to the claimant, and if so, how; and should give his post-office address, with street and number, or rural free-delivery route, if any.

502. Witnesses should not merely confirm the statements of other parties, but should give a detailed statement of the facts known to them in regard to the matter concerning which they testify, and should state how they obtained a knowledge of such facts. The officer taking the deposition or affidavit should certify in his own handwriting as to his knowledge of the credibility of the witnesses. If they sign by mark, the signature must be attested by two witnesses who write, and the officer must certify that the contents of their depositions or affidavits were read to them before he administered the oath.

503. Affidavits should be free from interlineations and erasures. When an alteration is made in an affidavit, or an addition is made

thereto, it must appear by the certificate of the officer who administered the oath that such alteration or addition was made with the knowledge and sworn consent of the affiant.

504. In all affidavits from surgeons or physicians the portion detailing the nature of the disability, dates of treatment, and date of death, symptoms and opinions as to connection between diseases or injury and disease should be in the handwriting of the party by whom it is signed. The testimony of any person testifying as an expert should be prepared by some one professionally competent to do so.

505. The official certificates of judicial officers using a seal or of commissioned officers of the Army or Navy in actual service shall be accepted without being sworn to, but all other witnesses must testify under oath.

COPIES OF RECORDS AND PAPERS.

506. *a. Act of August 24, 1912.*—Copies of the bureau records may, when not deemed prejudicial to the interests of the Government, be furnished at the rate of 15 cents for each 100 words copied, or 15 cents for each sheet photographed, with 25 cents additional for each certificate of verification and the seal of the bureau attached to authenticated copies. Authenticated copies are to be admitted in evidence equally with the originals thereof.

b. The papers, copies of which are desired, should be clearly specified, and the name of the soldier upon whose service the claim was based, the designation of the organization in which he served, and, if possible, the number of the claim or the certificate should be stated, in order that the case may be identified and unnecessary delay avoided; and the purpose for which such copies are desired should be definitely stated.

507. *Act of May 11, 1912.*—Section 5, as amended March 4, 1913, provides that a record be kept of Civil and Mexican War pensioners under said acts, showing the name, length of service, and age of each pensioner, the monthly rate of pension paid to him and the county and State of his residence, and that certified copies thereof be furnished upon demand and payment of such fee therefore as is provided by act of August 24, 1912.

508. Post-office addresses are charged for at the rate of 15 cents each, but may be furnished free where requested by a claimant for pension in securing evidence in the prosecution of his claim.

MISCELLANEOUS.

509. Applications for certificate of service in lieu of lost discharge should be filed with the Adjutant General, United States Army, War Department, in Army cases, and with the Chief of the Bureau of Navigation, Navy Department, in Navy cases.

510. Applications for back pay, extra pay, or bounty money for military service should be filed with the Auditor for the War Department; for bounty, extra pay, or prize money for naval service with the Auditor for the Navy Department.

511. Applications for artificial limbs or mechanical appliances should be filed with the Surgeon General, United States Army, War Department.

512. Applications for headstones for graves of deceased soldiers should be filed with the Quartermaster General, United States Army, War Department.

ATTORNEYS.

344. A person appearing of record in the Bureau of Pensions as having complied with the regulations prescribed by the Secretary of the Interior for the recognition of agents or attorneys before the Department of the Interior may be recognized to prosecute any claim for pension or bounty land in which the law does not prohibit the employment of an attorney or the payment of an attorney's fee, on filing a power of attorney from the claimant: *Provided, however,* That the Commissioner of Pensions, in his discretion, may recognize such person without compensation in any claim for pension or bounty land heretofore filed, or that may hereafter be filed, in which the law prohibits the payment of such fee: *And provided,* That where the power of attorney is in the name of a firm of agents or attorneys some duly qualified member thereof must enter an appearance therein on behalf of the firm.

346. No person can be recognized as an agent or attorney before this bureau until he shall have complied with the regulations adopted in pursuance of the act of July 4, 1884. If the attorney has not complied with such regulations he shall be so notified and furnished with the proper blanks and a copy of such regulations and of the oath required.

348. The relation of "principal and agent" is that which shall be recognized as the relation subsisting between claimants and those acting for them in prosecuting their claims before this bureau.

349. Consent of the attorney of record to a revocation or a transfer of his power shall be required, except in such cases as are otherwise permitted by the commissioner.

350. Transfers of attorneyship must be acknowledged before some officer authorized to administer oaths for general purposes in the presence of two witnesses who must sign their names to the instrument of transfer.

351. In all transfers of attorneyship a separate slip must be filed for each claim transferred, showing its number, the name of the

claimant, the name of the soldier or sailor, the service on which the claim is based, and the name and address of the transferee.

352. A transfer not general in character, but of a limited number of claims, from one agent, attorney, or firm to another, must be accompanied also by a schedule, alphabetically arranged, showing for each claim the data required on said slips.

353. A transfer made by the legal representative of deceased or incompetent agent or attorney must be accompanied by a duly authenticated certificate of an officer of the court having jurisdiction showing the authority of such representative.

354. The written consent of the claimant is necessary to entitle a transferee to recognition in an incomplete claim, the transfer of attorneyship in all such cases being subject to protest.

355. In the event of death if there be no administration, the transfer must be executed by the widow or heir, or heirs, and must include a statement as to the death of the attorney, the date thereof, the name of his widow, if any, or the name or names of his heir or heirs, that no administration will be had, and that there is no objection to the transfer on the part of anyone having a claim against the estate. This affidavit must be corroborated by the affidavits of two disinterested persons having knowledge of the facts.

356. No agent or attorney shall have power to make a valid assignment of any claim in which he has been recognized, even with the written consent of the claimant, unless he is at the time of such assignment and of such consent in good standing before the Bureau of Pensions.

357. Only a duly executed power of attorney confers upon an agent or attorney the right to appear in a case or to receive any information therein, and examiners shall, upon the receipt of a duly executed power of attorney, no other attorney having prior rights, inform the agent or attorney thereby empowered of the condition of the case and at the proper time call upon him for all the necessary proof.

Articles of agreement and every power of attorney, in order to be recognized by the bureau, must specify the particular claim in the case to which they are intended to apply.

358. No power of attorney purporting to be executed by a claimant shall be recognized as good and valid unless the same be signed by the claimant in the presence of two witnesses, neither of whom is the attorney of record in the claim, and acknowledged before an officer duly authorized to administer oaths for general purposes, whose official signature is certified under seal and who is not interested in the prosecution of the claim to which the power of attorney may relate.

359. Every officer of the United States or person holding any place of trust or profit or discharging any official function under or in con-

nection with any executive department of the Government of the United States, or under the Senate or House of Representatives of the United States is prohibited, under a heavy penalty, from acting as an agent in a claim for pension or from aiding and assisting in any manner, otherwise than in the discharge of his proper official duties, in the prosecution of such claim. (Sec. 109, Crim. Code, 35 Stat. L., p. 1107.)

360. Every agent, attorney, or other person who shall, directly or indirectly, request of any Member of either House of Congress, or of any United States Government official or representative (other than one whose duty it is under the law to supervise and administer the laws, rules, and regulations governing the granting of pensions and bounty land) aid or assistance in the prosecution of a pension or bounty-land claim, or who shall, directly or indirectly request or advise a claimant to seek such aid in the prosecution of a pension or bounty-land claim, shall be held to have abandoned the claim as agent or attorney and shall thereby forfeit his agency or attorneyship in such claim.

361. Every agent, attorney, or other person recognized by the Department of the Interior as entitled to practice before the Bureau of Pensions who shall violate the provisions of the preceding section shall be held thereafter incompetent to prosecute claims before said bureau within the meaning of section 5 of the act of July 4, 1884, and shall thereby subject himself to suspension or disbarment from practice before the Bureau of Pensions.

362. In all claims for pension where the evidence necessary to complete them was filed by the agent or attorney prior to suspension or disbarment from practice, and in which the certificate does not issue until subsequent thereto, such agent or attorney may be recognized as though he had not been suspended and may be paid his fee.

363. If an agent or attorney is disbarred pending the adjudication of a claim, and if, while such disbarment is in force, the claim is adjudicated and the certificate issued without certification of a fee by reason of such disbarment, and if thereafter said agent or attorney is restored to practice, and if claimant has not, by reason of such disbarment, canceled or revoked the authority theretofore existing, upon such restoration as aforesaid the lawful fee shall be certified and paid to such agent or attorney.

364. When a claimant during the disbarment of his agent or attorney of record employs another, who prosecutes the claim to final adjudication, no fee shall be certified the disbarred agent or attorney upon his restoration to practice.

365. No calls for evidence or notices of medical examinations or the like should be addressed to disqualified attorneys.

366. In all cases where certificates issue subsequent to the restoration of the agent or attorney prosecuting the claim, it having

been completed during his suspension without the interposition of another agent or attorney or revocation by claimant of his authority, said restored agent or attorney should be recognized, notwithstanding his power was filed prior to the date of his restoration.

367. The rule directing payments of fees to suspended agents or attorneys in claims completed prior to their suspension shall not be construed to authorize payment of fees in cases in which action on such pending claims was suspended on account of any irregularity or informality in the papers or evidence presented by such agents or attorneys in the prosecution of such claims.

368. An applicant shall be allowed during the suspension of an agent or attorney previously empowered to act in said applicant's claim to appoint another agent or attorney because of the inability of the former agent or attorney to act for claimant before the department, even though the said inability should prove to have been but temporary.

369. No fee shall be allowed to a guardian who prosecutes the claim of his ward, or to a firm of attorneys of which the guardian is a member.

370. No request of an agent or attorney for consideration of his title to a fee shall be entertained unless the same shall be filed in the Bureau of Pensions within one year from the date of issue of the certificate upon which such fee is claimed.

371. Agents or attorneys practicing before this bureau are required to state the names of all subagents or correspondents assisting them in the prosecution of claims for pension or bounty land, and the interest said subagents or correspondents have in the prosecution of such claims or fees therein. Any agent or attorney in good standing before the bureau who knowingly employs any person as a subagent or correspondent prohibited from practicing before the department shall be recommended for suspension from practice.

372. Cases pending in this bureau shall not be taken up upon the verbal requests of attorneys or claim agents, nor in their behalf except upon a separate written inquiry in each case signed by the attorney or agent and in regular course of business.

373. No claim pending in the Bureau of Pensions shall be considered out of its regular order upon the request of an agent or attorney, or any other person except for good cause shown and upon the order of the Commissioner of Pensions.

374. A change of guardian in any case during the pendency of a claim for pension does not affect the right of the original attorney to recognition and to the fee agreed upon with the guardian who appointed him.

375. The willful withholding of evidence by an agent or attorney for any cause shall be reported to the Secretary of the Interior for his action.

376. In claims for pension and bounty land no greater fee than is authorized by law can be legally received by an agent or attorney or any other person for prosecuting such claim for pension or bounty land, and upon satisfactory proof that any agent or attorney has, subsequent to July 4, 1884, received directly or indirectly from the claimant any sum or sums for his services in the prosecution of the claim, said agent or attorney shall be reported to the Secretary of the Interior for disbarment.

377. Where an agent, attorney, or other person incurs any expense in the prosecution of a claim before the Bureau of Pensions, he must file a sworn itemized account of such expense with the Commissioner of Pensions and secure the approval thereof before demanding or receiving reimbursement from the claimant or pensioner.

378. In a claim under the act of March 2, 1895, for the accrued pension due in an admitted case from the date of last payment to pensioner's death, the agent or attorney of record is permitted, upon the allowance of the claim, to receive as a fee, direct from the claimant or beneficiary, 10 per cent of the amount of the accrued pension paid; but in no event shall such agent or attorney be permitted to demand, receive, or retain a fee in excess of \$10 in any one claim.

379. When an agent or attorney is called upon by the Commissioner of Pensions to furnish evidence in any claim he shall be allowed 90 days within which to furnish same or to give reasons why he fails to do so. Before such agent or attorney is dropped or another recognized (at any time within one year) he shall be given 30 days' notice to show cause why he is not guilty of laches. In the event that such answer be not filed within 30 days from the mailing of such notice, or that the answer thereto be held by the Commissioner of Pensions to be insufficient, claimant shall be notified of such failure and may file the same, either by himself or by such other attorney as he may elect; and upon the recognition of such other attorney the former agent or attorney shall be estopped from claiming any fee.

380. An agent or attorney shall be required to exercise due diligence in all cases in which he is recognized. Neglect to prosecute a claim for one year shall be held, in default of cause shown, conclusive evidence of the abandonment of a claim by the agent or attorney, and claimant shall be so advised. To call up a case shall not be held of itself a substantial compliance with any specific requirement of the Commissioner of Pensions.

381. Agents and attorneys are required to conduct their business with the office with decorum and courtesy. Papers in violation of this requirement may, by order of the commissioner, be returned. Flagrant violation of this rule shall be cause for disbarment.

382. Upon the rejection of a claim for pension or bounty land the agent or attorney of record shall be notified of such rejection and the

reason therefor, and shall be allowed 90 days from the date of such notice within which to file a motion for reconsideration, supported by material evidence, or within which to enter an appeal to the Secretary of the Interior; and, on his failure to do either he shall be held to have abandoned the case, and the claimant may employ any other duly qualified agent or attorney further to prosecute the claim.

383. The claimant shall have the privilege of exercising his right at any stage of the claim to revoke a power of attorney and discharge his agent upon a showing of cause deemed good and sufficient by the commissioner.

384. The full fee payable by the bureau shall be paid on the issuing of the first certificate, provided, of course, there is an allowance sufficient for that purpose.

385. All articles of agreement in claims for pension or bounty land that conform to the requirements of the law and regulations shall be accepted if filed prior to the date of the issue of the certificate or of the bounty-land warrant.

386. No articles of agreement filed under the act of July 4, 1884, shall be recognized as valid, and no fee shall be paid thereunder, unless the claimant's signature thereto is witnessed by two attesting witnesses and acknowledged before some officer authorized to administer oaths for general purposes whose official signature is certified under seal.

The attorney's acceptance of such agreement must also be executed before some officer duly authorized to administer oaths for general purposes whose official signature is certified under seal.

387. No power of attorney or articles of agreement shall be accepted as valid wherein the claimant's acknowledgment is taken before an officer who is the agent or attorney named therein, or where the agent or attorney acts as one of the attesting witnesses to claimant's signature to such instrument.

388. A declaration, affidavit, or any paper requiring execution or acknowledgment in connection with a claim for pension or bounty land must be executed or acknowledged before an officer duly authorized to administer oaths for general purposes who is not interested in the prosecution of the claim to which said paper pertains, and the jurat must so show. An agent or attorney who shall file any paper containing in the jurat a false statement that the officer before whom such paper was executed or acknowledged is not interested in the prosecution of the claim, or any statement equivalent thereto, when in truth and in fact such agent or attorney has entered into a contract, agreement, or understanding with such officer by virtue of which said officer is to receive compensation or a commission from such agent or attorney, in the event of the allowance of the claim, may be recommended to the Secretary of the Interior for disbarment from practice before the Bureau of Pensions.

389. Articles of agreement, to be recognized as valid by the Commissioner of Pensions, must be in duplicate and in the form prescribed by order of July 8, 1884, and have printed upon the reverse: "Notice to claimant;" "This agreement is permissible under the law, but not compulsory," and a copy of the act of July 4, 1884.

Such articles of agreement are accepted as containing a power of attorney when they are not contrary to law or these regulations.

390. The following is the form of articles of agreement prescribed by the Commissioner of Pensions and approved by the Secretary of the Interior July 8, 1884, under the provisions of the act of Congress approved July 4, 1884:

(To be executed in duplicate without additional cost to claimant.)

ARTICLES OF AGREEMENT.

Whereas I,, late a in company of the Regiment of Volunteers, war of, having made application for pension under the laws of the United States:

Now this agreement witnesseth, That for and in consideration of services done and to be done in the premises, I hereby agree to allow my attorney,, of, the fee of dollars, which shall include all amounts to be paid for any service in furtherance of said claim; and said fee shall not be demanded by or payable to my said attorney, in whole or in part, except in case of the granting of my pension by the Commissioner of Pensions; and then the same shall be paid to him in accordance with the provisions of sections 4768 and 4769 of the Revised Statutes United States.

(Signature of claimant.)

(Post-office address.)

(Signatures of two witnesses.)

STATE OF, County of, ss:

Be it known that on this, the ... day of, A. D. 1...., personally appeared, the above named, who, after having had read over to in the hearing and presence of the two attesting witnesses, the contents of the foregoing articles of agreement, voluntarily signed and acknowledged the same to be free act and deed.

[L. s.] (Official signature.)

And now, to wit, this ... day of A. D., 1...., accept the provisions contained in the foregoing articles of agreement, and will, to the best of ability, endeavor faithfully to represent the interest of the claimant in the premises. hereby certify that have received from the claimant above named the sum of dollars, and no more; dollars being for fee, and the sum of dollars being for postage and other expenses. And that these agreements have been executed in duplicate, without additional cost to the claimant, as required by law, in excess of the fee above named, the said attorney making no charge therefor.

Witness hand the year and day above written.

(Signature of attorney.)

STATE OF, County of, ss:

Personally came, whom I know to be the person represents to be, and who having signed above acceptance of agreement, acknowledged the same to be free act and deed.

[L. s.] (Official signature.)

Approved for dollars, and payable to, of, the recognized attorney.

Commissioner of Pensions.

391. Where only one copy of articles of agreement is filed, attorneys shall be allowed to file a duplicate of the same, executed by both parties in interest at any time before the issuing of the certificate or bounty-land warrant. When a claim for bounty land has been allowed and the warrant issued, one approved copy of the articles of agreement shall be forwarded to the agent or attorney of record and the other preserved in the files of the claim. The bounty-land warrant shall be forwarded direct to the party entitled to the possession thereof.

392. Articles of agreement and powers of attorney not properly executed for any cause must be retained in the claim and the attorney advised why same can not be accepted.

393. An agent or attorney may request and receive from a claimant a sum not exceeding 50 cents for postage in the prosecution of any one claim, original or increase, but compliance with such request of the agent or attorney is optional with the claimant. Agents and attorneys are not allowed to demand a sum for postage as a right or to refuse to prosecute a claim where the request for postage is not complied with.

395. Attorneys presenting questions for the consideration of the Law Division shall submit their points, authorities, and arguments in writing, and shall not be permitted to enter that division either to examine cases or to make oral arguments. Communications on such matters may be addressed to the Commissioner of Pensions and marked "For the Law Division," and may be transmitted by mail or left with the chief clerk.

396. Motions to reconsider rulings and decisions of the Law Division shall not be entertained by that division unless it plainly appears that some act of Congress, decision of the Secretary, ruling of the commissioner, or some controlling evidence in the case was overlooked.

397. Fee agreements which are regular in every particular except that the blanks in the attorney's acceptance relating to advance payment of part of the fee and of any amount for postage have not been filled in by the attorneys shall not be wholly disregarded. The fee should be withheld in such cases and the matter referred to the Law Division for appropriate action.

399. Every agent, attorney, or other person recognized by the Department of the Interior as entitled to practice before the Bureau of Pensions shall submit to the Commissioner of Pensions copies of all proposed advertising matter intended to solicit business before the Bureau of Pensions, and if the same be not disapproved by the Commissioner of Pensions and the agent or attorney so notified within 10 days from the date of filing the same shall be held, prima facie, approved.

400. Advertising matter may contain clear, correct, and explicit statements of the law, the name and address of the attorney, and the information that he prosecutes claims for pension and bounty land.

401. The use by an agent or attorney of the characters "U. S.," or the words "United States," as a part of his title, or of the title of his business, is misleading and shall not be permitted.

402. Where, through a mistake of fact, or fraud on the part of an agent or attorney, a fee to which he is not entitled has been paid to him he shall be required to refund the same on demand by the Commissioner of Pensions; and his failure or refusal to refund, after such demand, shall render him liable to suspension or disbarment from practice before the Bureau of Pensions.

403. A State officer, charged with the duty of looking after the interests of claimants for pension, may have information in connection with a claim for pension, where designated by the claimant, and such officer shall be advised as to calls for evidence and the final disposition of the claim.

404. Section 190, Revised Statutes United States, provides that—

It shall not be lawful for any person appointed after the first day of June, one thousand eight hundred and seventy-two, as an officer, clerk, or employee in any of the departments, to act as counsel, attorney, or agent for prosecuting any claim against the United States which was pending in either of said departments while he was such officer, clerk, or employee, nor in any manner, nor by any means, to aid in the prosecution of any such claim within two years next after he shall have ceased to be such officer, clerk, or employee.

513. TABLE OF ATTORNEY FEES ALLOWED BY LAW.

In original claims allowed under all general laws (except such acts as do not provide for payment of a fee), (sec. 4, act July 4, 1884) a fee—

On properly executed articles of agreement, any amount contracted for, not exceeding.....	\$25.00
Without articles of agreement.....	10.00
Act June 27, 1890 (sec. 4 of said act).....	10.00
Act Apr. 19, 1908 (sec. 2 of said act).....	10.00
Act Sept. 8, 1916.....	10.00
Act May 11, 1912, on original allowance only and only in cases where such allowance is made to a person who was not a pensioner under any law at passage of the act, and had never received a pension prior to that date.	
On properly executed articles of agreement, any amount contracted for, not exceeding.....	25.00
Without articles of agreement.....	10.00
Supplemental claims allowing pension—	
For child by former marriage, if filed by new attorney.....	10.00
For helpless child—	
If named in original application, but new attorney presents claim....	10.00
If not so named, whether supplemental claim be filed by new or original attorney.....	10.00
For posthumous child, born after filing claim, unless expressly exempted by mutual agreement between claimant and attorney..	10.00

Retaring or reissue to correct rate or date of commencement, if filed by new attorney (11 P. D., 202).....	\$10.00
Reduction in rate of pension, for services rendered in preventing (Secretary's decision, Dec. 27, 1900, case of Charles Hebel, certificate No. 113168).....	10.00
Dropping pensioner's name from roll, for services rendered in preventing (9 P. D., 236).....	10.00
Renewal, restoration, removal of suspension, etc., "cases of difficulty and trouble" (sec. 4, act July 4, 1884), commissioner may recognize articles of agreement for not exceeding (8 P. D., 182).....	25.00
Restoration—	
Dropped for loss of title on testimony taken by a special examiner showing that the disability or cause of death on account of which pension was allowed did not originate in line of duty, and in cases of dependent relatives whose names were dropped, on like testimony, upon the ground of nondependence (act July 4, 1884), in claims under all general laws (except act June 27, 1890, act Apr. 19, 1908, and such acts as do not provide for payment of a fee)—	
On properly executed articles of agreement, any amount contracted for, not exceeding.....	25.00
Without articles of agreement.....	10.00
Under act June 27, 1890.....	10.00
Under act Apr. 19, 1908.....	10.00
Where dropped under sec. 4719, R. S. (4 P. D., 405).....	10.00
Increase claims—	
Mexican War, Jan. 5, 1893, and amendatory acts, in which fee was not paid prior to Sept. 20, 1902 (12 P. D., 505).....	10.00
In cases where increase is granted because of increase of the disability for which pension was originally allowed (act Mar. 3, 1891).....	2.00

514. Not payable on order of Commissioner of Pensions, but a matter of contract between claimant and attorney, subjecting the latter to disciplinary proceedings in the event of extortion or unreasonableness.

Accrued pensions, act Mar. 2, 1895, due deceased pensioners (rule 26, practice): Attorney may collect 10 per cent of accrued pension paid, but fee must not exceed.....	\$10.00
Divided pensions, act Mar. 3, 1899 (10 P. D., 403): Attorney may collect reasonable fee, and in absence of abuse or misconduct on his part, justifying disbarment, Commissioner of Pensions has no authority.	

515. Cases wherein fees are denied.

By law:

Act July 4, 1884, arrears of pension allowed by Congress subsequent to original grant.....	No fee.
Act Mar. 19, 1886, increasing rates of pension to certain widows.....	No fee.
Act Aug. 5, 1892, granting pensions to Army nurses.....	No fee.
Act Mar. 3, 1901, and act Feb. 28, 1903, amending sec. 4708 R. S., giving pensionable status to certain remarried widows.....	No fee.
Act Feb. 6, 1907, granting pensions to certain survivors of the Mexican and Civil Wars.....	No fee.
Act May 28, 1908, for services in introducing or securing the passage of a private act of Congress granting a pension.....	No fee.
Act May 11, 1912, if a pensioner at date of the passage of the act, or had been a pensioner prior to its approval.....	No fee.

By departmental construction or regulations:

Increase of pension by operation of law.....	No fee.
Claim filed by State agent or commissioner (7 P. D., 293).....	No fee.
Wherein power of attorney only is filed (4 P. D., 356; 7 P. D., 517).....	No fee.
Wherein no service is rendered (7 P. D., 517).....	No fee.
Wherein attorney transmits only order for medical examination or reasons for claimant's failure to appear for such examination (9 P. D., 375), unless in response to bureau call.....	No fee.
Where guardian, as attorney, prosecutes claim of his ward, or firm of attorneys of which guardian is a member, prosecutes such claim (rule 15, practice).....	No fee.
Where no fund accrues by reason of allowance out of which fee could be paid (8 P. D., 139; 11 P. D., 149).....	No fee.
Reissue to include new disability, if no increase (8 P. D., 139).....	No fee.
Retaring or reissue to correct rate or date of commencement, if same attorney as in original claim (7 P. D., 359; 13 P. D., 75).....	No fee.
Securing new or duplicate pension certificate (8 P. D., 261).....	No fee.
Supplemental claims allowing pension—	
For child by former marriage if claim be filed by original attorney (7 P. D., 47; 16 P. D., 546).....	No fee.
For helpless child if child named as helpless in original declaration, to original attorney (9 P. D., 117).....	No fee.
Act Sept. 8, 1916, increase and renewal.....	No fee.

516. Postage.

By order of May 26, 1891, attorneys may receive from and after April 22, 1891, for postage in any one claim.....	\$0.50
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TABLES OF RATES.

410. TABLE I.—For simple total (a disability equivalent to the ankylosis of a wrist) provided by section 4695, Revised Statutes, United States.

ARMY.		Per month.
Lieutenant colonel and all officers of higher rank.....		\$30.00
Major, surgeon, and paymaster.....		25.00
Captain, provost marshal, and chaplain.....		20.00
First lieutenant, assistant surgeon, deputy provost marshal, and quartermaster.....		17.00
Second lieutenant and enrolling officer.....		15.00
All enlisted men.....		8.00

NAVY AND MARINE CORPS.

Captain, and all officers of higher rank, commander, lieutenant commanding, and master commanding, surgeon, paymaster, and chief engineer ranking with commander by law, lieutenant colonel, and all of higher rank in Marine Corps.....	30.00
Lieutenant, passed assistant surgeon, surgeon, paymaster, and chief engineer ranking with lieutenant by law, and major in Marine Corps.....	25.00
Master (now lieutenant, junior grade), professor of mathematics, assistant surgeon, assistant paymaster, and chaplain, and captain in Marine Corps....	20.00
First lieutenant in Marine Corps.....	17.00
First assistant engineer, ensign, and pilot, and second lieutenant in Marine Corps.....	15.00
Cadet midshipmen, passed midshipmen, midshipmen clerks of admirals, of paymasters, and of officers commanding vessels, second and third assistant engineers, master's mate, and warrant officers.....	10.00
All enlisted men, except warrant officers.....	8.00

411. TABLE II.—Permanent specific disabilities.

Disabilities.	From July 4, 1864, to Mar. 3, 1865.	From Mar. 3, 1865, to June 6, 1872.	From June 6, 1872, to June 4, 1874.	From June 4, 1874, to Feb. 28, 1877.	From Feb. 28, 1877, to June 17, 1878.	From June 17, 1878, to Mar. 3, 1882.	From Mar. 3, 1882, to Aug. 4, 1886.	From Aug. 4, 1886, to Aug. 27, 1888.	From Feb. 12, 1889, to Mar. 4, 1890.	From July 14, 1892, to Jan. 15, 1893.	From Jan. 15, 1893, to Mar. 2, 1894.	From Apr. 5, 1894, to Mar. 1, 1895.
Loss of both hands.....	\$25.00				\$72.00	\$100.00	\$100.00	\$100.00	\$100.00	\$100.00	\$100.00	\$100.00
Loss of right hand.....	25.00				72.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
Loss of left hand.....	25.00				72.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
Loss of right or left eye.....	25.00				72.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
Loss of sight of both eyes.....	25.00				72.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
Loss of sight of one eye.....	25.00				72.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
Loss of an arm at or above the wrist.....	25.00				72.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
Loss of an arm at or below the wrist.....	25.00				72.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
Loss of a hand or a foot.....	15.00				36.00	46.00	46.00	46.00	46.00	46.00	46.00	46.00
Loss of a foot.....	15.00				36.00	46.00	46.00	46.00	46.00	46.00	46.00	46.00
Loss of a hand or an arm at the shoulder joint, or so near as to prevent the use of the limb.....	15.00				36.00	46.00	46.00	46.00	46.00	46.00	46.00	46.00
Loss of leg at hip joint.....	15.00				36.00	46.00	46.00	46.00	46.00	46.00	46.00	46.00
Loss of leg at hip joint.....	15.00				36.00	46.00	46.00	46.00	46.00	46.00	46.00	46.00
Total disability in both hands.....	25.00				72.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
Total disability in one hand or one foot.....	15.00				36.00	46.00	46.00	46.00	46.00	46.00	46.00	46.00
Total disability in one hand or one foot.....	15.00				36.00	46.00	46.00	46.00	46.00	46.00	46.00	46.00
Disability equivalent to the loss of a hand or a foot (third grade).....	15.00				36.00	46.00	46.00	46.00	46.00	46.00	46.00	46.00
Incapacity to perform manual labor (second grade).....	20.00				24.00	30.00	30.00	30.00	30.00	30.00	30.00	30.00
Incapacity to perform manual labor (third grade).....	20.00				24.00	30.00	30.00	30.00	30.00	30.00	30.00	30.00
Permanent and attendance pension (intermediate grade).....	25.00				30.00	36.00	36.00	36.00	36.00	36.00	36.00	36.00
Total disability.....	13.00				13.00	13.00	13.00	13.00	13.00	13.00	13.00	13.00

1. \$72 from June 17, 1878, only where the rate was \$50, under act of June 18, 1874, and granted to date prior to June 16, 1880. First grade proper is \$70, amended by act Mar. 1, 1890, which increases rate to \$72.

412. TABLE III.—Rates fixed by the Commissioner of Pensions for certain disabilities not specified by law.

	Per month.
Anchylolosis of shoulder.....	\$12. 00
Anchylolosis of elbow.....	10. 00
Anchylolosis of knee.....	10. 00
Anchylolosis of ankle.....	8. 00
Anchylolosis of wrist.....	8. 00
Loss of sight of one eye.....	12. 00
Loss of one eye.....	17. 00
Nearly total deafness of one ear.....	6. 00
Total deafness of one ear.....	10. 00
Slight deafness of both ears.....	6. 00
Severe deafness of one ear and slight of the other.....	10. 00
Nearly total deafness of one ear and slight of the other.....	15. 00
Total deafness of one ear and slight of the other.....	20. 00
Severe deafness of both ears.....	22. 00
Total deafness of one ear and severe of the other.....	25. 00
Deafness of both ears existing in a degree nearly total.....	27. 00
Loss of palm of hand, and all the fingers, the thumb remaining.....	17. 00
Loss of thumb, index, middle, and ring fingers.....	17. 00
Loss of thumb, index, and middle fingers.....	16. 00
Loss of thumb and index finger.....	12. 00
Loss of thumb and little finger.....	10. 00
Loss of thumb, index, and little fingers.....	16. 00
Loss of thumb.....	8. 00
Loss of thumb and metacarpal bone.....	12. 00
Loss of all the fingers, thumb and palm remaining.....	16. 00
Loss of index, middle, and ring fingers.....	16. 00
Loss of middle, ring, and little fingers.....	14. 00
Loss of index and middle fingers.....	8. 00
Loss of little and middle fingers.....	8. 00
Loss of little and ring fingers.....	6. 00
Loss of ring and middle fingers.....	6. 00
Loss of index finger.....	4. 00
Loss of any other finger without complications.....	2. 00
Loss of all the toes of one foot.....	10. 00
Loss of great, second, and third toes.....	8. 00
Loss of great toe and metatarsal.....	8. 00
Loss of great and second toes.....	8. 00
Loss of great toe.....	6. 00
Loss of any other toe and metatarsal.....	6. 00
Loss of any other toe.....	2. 00
Chopart's amputation of foot, with good results.....	14. 00
Pirogoff's modification of Syme's.....	17. 00
Small varicocele.....	2. 00
Well-marked varicocele.....	4. 00
Inguinal hernia, which passes through the external ring.....	10. 00
Inguinal hernia, which does not pass through the external ring.....	6. 00
Double inguinal hernia, each of which passes through the external ring.....	14. 00
Double inguinal hernia, one of which passes through the external ring and other does not.....	12. 00

	Per month.
Double inguinal hernia, neither of which passes through the external ring.....	\$8. 00
Femoral hernia.....	10. 00

Section 4699, Revised Statutes, provides that the rate of \$18 per month may be proportionately divided for any degree of disability established for which section 4695 makes no provision.

The act of August 27, 1888, provides a \$30 rate for total deafness and authorizes the Secretary of the Interior to grant such proportion thereof in cases of partial deafness as he may deem equitable. Act January 15, 1903, increases rate for total deafness to \$40. Rates on partial degrees not affected.

The act of March 2, 1895, provides that "All pensioners now on the rolls, who are pensioned at less than six dollars per month, for any degree of pensionable disability, shall have their pensions increased to six dollars per month; and that, hereafter, whenever any applicant for pension would, under existing rates, be entitled to less than six dollars for any single disability or several combined disabilities, such pensioner shall be rated at not less than six dollars per month: *Provided also*, That the provisions hereof shall not be held to cover any pensionable period prior to the passage of this act, nor authorize a rating of any claim for any part of such period, nor prevent the allowance of lower rates than six dollars per month, according to the existing practice in the Pension Office in pending cases covering any pensionable period prior to the passage of this act."

413. TABLE IV.—Miscellaneous rates.

	INVALID.	Per month.
Indian wars:		
Acts July 27, 1892, June 27, 1902, and May 30, 1908.....		\$8. 00
Act of February 19, 1913.....		20. 00
Mexican War:		
Act Jan. 29, 1887.....		8. 00
Acts Jan. 5, 1893, and Apr. 23, 1900, certain survivors.....		12. 00
Act Mar. 3, 1903, all survivors.....		12. 00
Act Feb. 6, 1907—		
At 62 years.....		12. 00
At 70 years.....		15. 00
At 75 years or over.....		20. 00
Act of May 11, 1912.....		30. 00
Civil War:		
Act June 27, 1890, in its original form, and also as amended by the act of May 9, 1900.....	6. 00-12. 00	
Act Feb. 6, 1907—		
At 62 years.....		12. 00
At 70 years.....		15. 00
At 75 years or over.....		20. 00
Act of May 11, 1912—see sec. 445.		
Army nurses:		
Act Aug. 5, 1892.....		12. 00
Naval service pensions:		
Sec. 4756, R. S., for 20 years' service, one-half the pay of rating at discharge.		
Sec. 4757, R. S., for 10 years' service, not to exceed the rate for total disability.		
(See sec. 451 this book.)		
Medal of Honor additional.....		10. 00

WIDOWS AND MINORS.		Per month.
Revolutionary War:		
Act Mar. 9, 1878, widows only.....		\$8.00
Act Mar. 19, 1886, widows only.....		12.00
War of 1812:		
Act Mar. 9, 1878, widows only.....		8.00
Act Mar. 19, 1886, widows only.....		12.00
Act Sept. 8, 1916, if 70 years old.....		20.00
Indian wars:		
Acts July 27, 1892, June 27, 1902, and May 30, 1908, widows only....		8.00
Act Apr. 19, 1908, sec. 1, widows only.....		12.00
Mexican War:		
Act Jan. 29, 1887, widows only.....		8.00
Act Apr. 19, 1908, sec. 1, widows only.....		12.00
Act Sept. 8, 1916, if 70 years old.....		20.00
Civil War:		
Sec. 4702, R. S., widows and minors, same rates as in Table 1.		
Act Mar. 19, 1886, widows and minors.....		12.00
Act June 27, 1890, in its original form, and as amended by the act of May 9, 1900.....		8.00
Act Apr. 19, 1908.....		12.00
Act Sept. 8, 1916, if wife during service in Civil War or 70 years old....		20.00

From and after July 25, 1866, a widow is entitled, under the provisions of section 4703, Revised Statutes, to the sum of \$2 per month additional on account of each legitimate minor child of the deceased soldier or sailor (in her care and custody, if by his former marriage) until such child reaches the age of 16 years. Where the widow has died, remarried, or has no title, the minor children under 16 years of age succeed to the widow's rights.

In claims under the act of June 27, 1890, both in its original and amended forms, the additional pension of \$2 per month is granted. In addition provision is made in said act for the continuance of pension granted to an insane, idiotic, or otherwise physically or mentally helpless minor child, during its life or during the period of disability. This proviso is applicable to minors' claims under any statute.

DEPENDENT RELATIVES.

Sec. 4707, R. S., in its original form, and as amended by sec. 1, act June 27, 1890, same rates as in Table 1.	
Act Mar. 19, 1886.....	\$12.00

414. RATES FOR OFFICERS, SECTIONS 4692 AND 4693, REVISED STATUTES.

Rates for officers in claims under sections 4692 and 4693, Revised Statutes, shall be one-quarter, one-half, three-quarters, and total. Officers below the rank of first lieutenant may receive rates in fractions of eighteen in excess of their total.

**END OF
TITLE**